

## REMARKS

In the Office Action issued on January 29, 2007, the Examiner:

- made a priority determination regarding the effective filing date for the subject matter defined by the claims currently under consideration;
- rejected all pending claims under the judicially created doctrine of obviousness-type double patenting over Claims 1 through 33 of United States Patent No. 6,200,336, Claims 1 through 21 of United States Patent No. 6,508,833, and Claims 1 through 12 of United States Patent No. 6,974,474;
- provisionally rejected all pending claims under the doctrine of obviousness-type double patenting over Claims 1 through 16 of copending Application Serial No. 09/777,091, Claims 1, 7, and 14 through 25 of copending Application Serial No. 10/721,582, Claims 1 through 19 and 22 through 42 of copending Application Serial No. 10/910,490, Claims 1 through 20 of copending Application Serial No. 11/185,272, and Claims 1 through 29 of copending Application Serial No. 10/828,716;
- rejected Claims 8, 9, 11, 16, 18, 20 through 22, 27, 28, and 36 under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,855,601 to Bessler ("Bessler");
- rejected Claims 8, 9, 11, 16 through 18, 20 through 22, 27, 28, and 36 under 35 U.S.C. §102(e) as being anticipated by United States Patent Application Publication No. 2003/0130726 to Thorpe ("Thorpe"); and
- rejected Claim 17 under 35 U.S.C. §103(a) as being unpatentably obvious over Bessler in view of United States Patent No. 5,713,950 to Cox ("Cox").

The Applicants have fully considered the Office Action and cited references and submit this Reply and Amendment in response to the Examiner's objections and rejections. Reconsideration of the application for patent is requested.

### Initial matter – attorney not of record acting in representative capacity

As an initial matter, please note that the undersigned attorney is not of record and is currently acting in a representative capacity pursuant to 37 C.F.R. §1.34 (See M.P.E.P. §405).

#### Rejection of claims for double patenting over issued United States patents

The Examiner rejected all pending claims for obviousness-type double patenting over claims 1 through 33 of United States Patent No. 6,200,336, claims 1 through 21 of United States Patent No. 6,508,833, and claims 1 through 12 of United States Patent No. 6,974,474.

The claims under current consideration included independent Claims 8, 11, 20, 27, and 36. In consideration of other rejections raised in the subject Office action, the Applicants have herein amended independent Claims 8, 11, 20, 27, and 36. All remaining dependent claims depend from these amended independent claims. Thus, all claims currently under consideration have been amended.

Applicants respectfully assert that all remaining claims define subject matter that is patentably distinct from the subject matter defined by the listed claims of the cited patents. Accordingly, reconsideration of the double patenting rejection is requested.

#### Provisional rejection of claims for double patenting over copending applications

The Examiner rejected all pending claims for obviousness-type double patenting over Claims 1 through 16 of copending Application Serial No. 09/777,091, Claims 1, 7, and 14 through 25 of copending Application Serial No. 10/721,582, Claims 1 through 19 and 22 through 42 of copending Application Serial No. 10/910,490, Claims 1 through 20 of copending Application Serial No. 11/185,272, and Claims 1 through 29 of copending Application Serial No. 10/828,716.

The claims under current consideration included independent Claims 8, 11, 20, 27, and 36. In consideration of other rejections raised in the subject Office action, the Applicants have herein amended independent Claims 8, 11, 20, 27, and 36. All remaining dependent claims depend from these amended independent claims. Thus, all claims currently under consideration have been amended.

Applicants respectfully assert that all remaining claims define subject matter that is patentably distinct from the subject matter defined by the listed claims of the cited copending applications. Accordingly, reconsideration of the provisional double patenting rejection is requested.

#### Rejection of claims under 35 U.S.C. §102(b)

The Examiner rejected Claims 8, 9, 11, 16, 18, 20 through 22, 27, 28, and 36 under 35 U.S.C. §102(b) as being anticipated by Bessler.

Applicants have herein amended all remaining independent Claims

(specifically, Claims 8, 11, 20, 27, and 36). Each of the independent claims under consideration will include, if this amendment after final is entered, a limitation requiring traversal of a portion of a valve leaflet by a centering support.

Bessler does not disclose this limitation and cannot, therefore, properly serve as an anticipatory reference of any remaining claim.

#### Rejection of claims under 35 U.S.C. §102(e)

The Examiner rejected Claims 8, 9, 11, 16 through 18, 20 through 22, 27, 28, and 36 under 35 U.S.C. §102(e) as being anticipated by Thorpe.

Applicants have herein amended all remaining independent Claims (specifically, Claims 8, 11, 20, 27, and 36). Each of the independent claims under consideration will include, if this amendment after final is entered, a limitation requiring traversal of a portion of a valve leaflet by a centering support.

Thorpe does not disclose this limitation and cannot, therefore, properly serve as an anticipatory reference of any remaining claim.

#### Rejection of claims under 35 U.S.C. §103(a)

The Examiner rejected Claim 17 under 35 U.S.C. §103(a) as being unpatentably obvious over the combination of Bessler and Cox. Claim 17 depends from independent Claim 11, which will require that "the one or more centering elements including a portion that traverses a portion of one of the plurality of leaflets" if this amendment after final is entered.

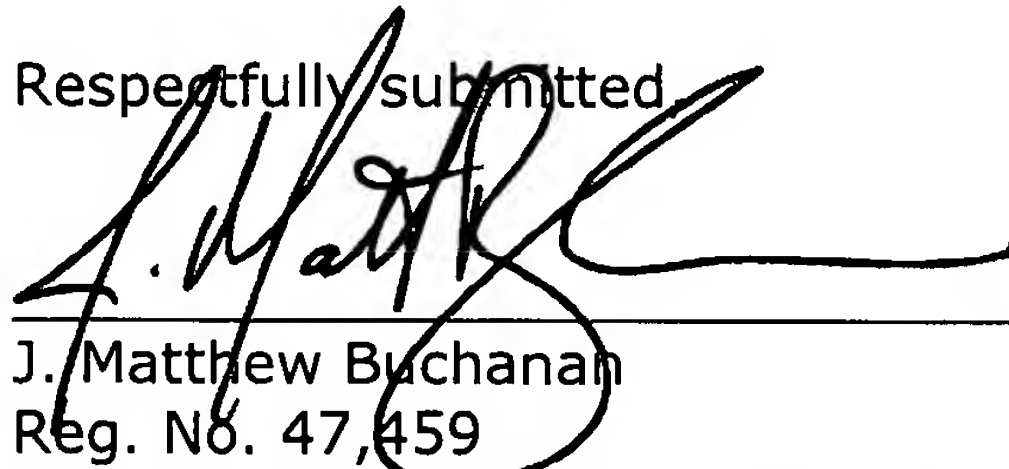
As described above, Bessler fails to disclose this limitation. Cox does not cure this defect of Bessler. Accordingly, the combination of Bessler and Cox fails to establish a *prima facie* case of obviousness, which requires the existence of some suggestion or motivation to combine the references, a reasonable expectation of success, and *disclosure of each and every element and limitation of the claim under consideration*.

## CONCLUSION

The Applicants have fully responded to the objections and rejections listed by the Examiner in the January 29, 2007 Office Action. The Applicants respectfully assert that all claims currently under consideration define patentable subject matter and that a Notice of Allowability is appropriate.

Should the Examiner have any questions regarding this Reply and Amendment, or the remarks contained herein, the undersigned attorney would welcome the opportunity to discuss such matters with the Examiner.

Respectfully submitted

A handwritten signature in black ink, appearing to read "J. Matthew Buchanan", is written over a horizontal line. The signature is stylized with a large, looping "B" at the end.

J. Matthew Buchanan

Reg. No. 47,459

DUNLAP, CODDING and ROGERS, P.C.

Customer No. 42715

P.O. Box 16370

Oklahoma City, Oklahoma 73113

Telephone: (405) 607-8600

Facsimile: (405) 607-8686

E-Mail: matt\_buchanan@okpatents.com

Web Site: [www.okpatents.com](http://www.okpatents.com)